

HOUSE BILL No. 1287

DIGEST OF INTRODUCED BILL

Citations Affected: IC 23-1.5-2-3; IC 25-17.6.

Synopsis: Geologist licensing. Creates a license for a geologist in training. Changes the definition of "geologist" in the geologist licensing statute and allows geologists to form professional corporations.

Effective: July 1, 2003.

Orentlicher, Lytle

January 13, 2003, read first time and referred to Committee on Commerce and Economic Development.

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First Regular Session 113th General Assembly (2003)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2002 Regular or Special Session of the General Assembly.

HOUSE BILL No. 1287

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 23-1.5-2-3, AS AMENDED BY P.L.128-2001,
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2003]: Sec. 3. (a) Except as provided in subsections (c) and
4 (d) and IC 25-2.1-5, a professional corporation may be formed to
5 render professional services as follows:

6 (1) One (1) or more accounting professionals may form a
7 professional corporation to render services that may legally be
8 performed only by an accounting professional.

9 (2) One (1) or more architectural or engineering professionals
10 may form a professional corporation to render services that may
11 legally be performed only by an architectural or engineering
12 professional.

13 (3) One (1) or more attorneys may form a professional corporation
14 to render services that may legally be performed only by an
15 attorney.

16 (4) One (1) or more health care professionals may form a
17 professional corporation to render services that may legally be



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performed only by a health care professional.

(5) One (1) or more veterinarians may form a professional corporation to render services that may legally be performed only by a veterinarian.

(6) One (1) or more real estate professionals may form a professional corporation to render services that may legally be performed only by a real estate professional.

(7) One (1) or more geological professionals may form a professional corporation to render services that may legally be performed only by a geological professional.

(b) A foreign professional corporation may be admitted to render professional services in Indiana by complying with IC 23-1.5-5.

(c) A domestic professional corporation or a foreign professional corporation admitted to render professional services in Indiana:

(1) shall have at least one (1) shareholder who is licensed in Indiana; and

(2) may have at least one (1) shareholder who is licensed under the laws of another state to render similar professional services.

(d) In addition to the professional services permitted by its articles of incorporation, a professional corporation may invest its funds in any type of investment not prohibited by law.

SECTION 2. IC 25-17.6-1-2, AS AMENDED BY P.L.17-1999, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 2. "Board" refers to the Indiana board of licensure for professional geologists **and geologists in training** established in IC 25-17.6-2.

SECTION 3. IC 25-17.6-1-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 5. "Geologist" means a person who is qualified by the person's knowledge of the principles of geology acquired by:

(1) professional **geosciences** education **culminating in a baccalaureate or advanced degree from an accredited college or university**; and

(2) practical experience **in the geosciences**.

SECTION 4. IC 25-17.6-1-5.1 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 5.1. **"Geologist in training" means a person who holds a degree in the geological sciences from an accredited college or university and who either has:**

(1) successfully passed the part of the examination accepted by the board covering fundamental geological subjects; or

(2) has met the experience requirements of the board and

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intends to take the examination.

SECTION 5. IC 25-17.6-2-1, AS AMENDED BY P.L.17-1999, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 1. (a) The Indiana board of licensure for professional geologists **and geologists in training** is established.

(b) The board shall administer this article.

SECTION 6. IC 25-17.6-3-1, AS AMENDED BY P.L.17-1999, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 1. (a) The board shall meet:

(1) at least one (1) time each calendar year; and

(2) at other times considered necessary by:

(A) the chairman; or

(B) a quorum of the board;

upon being given at least ten (10) days notice.

(b) Each year the board shall:

(1) determine the cost incurred by the survey in administering the program for the licensure of professional geologists under this article; and

(2) if necessary, adjust the amount of the:

(A) licensure fee charged under IC 25-17.6-4-7; and

(B) renewal fee charged under IC 25-17.6-5-2;

to ensure that the program is self-supporting.

(c) Each year the board shall:

(1) determine the cost of licensure for geologists in training; and

(2) charge the appropriate licensure fee and renewal fee;

to ensure that the program is self-supporting.

SECTION 7. IC 25-17.6-3-3, AS AMENDED BY P.L.17-1999, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 3. (a) The board may by rule adopt or amend a code of professional conduct for licensed professional geologists **or geologists in training.**

(b) If the board adopts or amends a code of professional conduct under subsection (a), the board shall mail a copy of the code and any amendments to the code to all persons listed on the roster described in section 10 of this chapter.

(c) A mailing under this section constitutes service for the purposes of this article.

SECTION 8. IC 25-17.6-3-4, AS AMENDED BY P.L.17-1999, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 4. The board may investigate:

(1) a suspected violation by a licensed professional geologist **or**

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geologist in training of:

(A) the code of conduct adopted under section 3 of this chapter; or

(B) other rules of the board concerning professional competency and integrity of licensed professional geologists **or geologists in training**; or

(2) other grounds for action against a licensed professional geologist **or geologist in training** under IC 25-17.6-8.

SECTION 9. IC 25-17.6-3-5, AS AMENDED BY P.L.17-1999, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 5. (a) The board may file a proposed complaint to condition, suspend, or revoke the license of a licensed professional geologist **or geologist in training**.

(b) The recipient of a proposed complaint may either:

(1) agree to the terms of the proposed complaint; or

(2) request, within twenty (20) days of receiving the proposed complaint, an informal review of the proposed complaint before the board.

(c) Failure by a licensed professional geologist **or geologist in training** to request an informal review constitutes an agreement to the terms of the proposed complaint.

SECTION 10. IC 25-17.6-3-6, AS AMENDED BY P.L.17-1999, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 6. (a) Any person or organization may present charges of fraud, deceit, gross negligence, or misconduct against a licensed professional geologist **or geologist in training**.

(b) A charge under subsection (a) shall be:

(1) in writing;

(2) sworn to by the person or the officer of the organization making the charges; and

(3) filed with the board.

SECTION 11. IC 25-17.6-3-7, AS AMENDED BY P.L.17-1999, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 7. (a) The board shall consider:

(1) a request for review under section 5; or

(2) charges under section 6;

of this chapter during a meeting.

(b) The board may compel a licensed professional geologist **or geologist in training** to respond to any matters about a proposed complaint or charges.

(c) The board may by rule establish procedures for the conduct of its review under this section, including the subpoena of witnesses and

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documents.

(d) A review under this section shall be conducted in an informal manner. However, the board shall keep a record of the proceeding.

(e) As soon as possible following the meeting, the board shall render a determination and either:

(1) terminate its review; or

(2) issue a determination under IC 4-21.5-3-6 to condition, suspend, or revoke the license of the licensed professional geologist **or geologist in training**.

SECTION 12. IC 25-17.6-3-8, AS AMENDED BY P.L.17-1999, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 8. A licensed professional geologist **or geologist in training** who receives a determination under section 7 of this chapter shall either:

(1) comply with its terms; or

(2) request administrative review under IC 25-17.6-9.

SECTION 13. IC 25-17.6-3-10, AS AMENDED BY P.L.17-1999, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 10. (a) The survey shall publish each year a roster showing the names and places of business of all licensed professional geologists **and geologists in training**.

(b) Copies of the roster described in subsection (a) shall be:

(1) made available to each person licensed;

(2) placed on file at the survey; and

(3) furnished to the public upon request.

SECTION 14. IC 25-17.6-4.5 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]:

Chapter 4.5. Requirements for Certification of Geologists in Training

Sec. 1. To qualify for licensure as a geologist in training, an applicant must meet two (2) of the following requirements:

(1) The applicant has successfully completed at least thirty (30) semester hours or forty-five (45) quarter hours of course work in geology, culminating in a baccalaureate or an advanced degree in geology, geophysics, geochemistry, geological engineering, or geotechnical engineering from an accredited college or university. At the discretion of the board, courses dealing with applied geological science that are given under the auspices of an academic department other than geology may be considered toward the fulfillment of this requirement.

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(2) The applicant has a passing score on the part of an examination required by the board that has been designed to demonstrate that the applicant has the necessary knowledge of the fundamental geological subjects. The applicant may or may not meet the professional experience requirements of the board.

(3) The applicant has the professional experience required by the board to become licensed. The applicant may not yet have obtained a passing score on one (1) or more parts of an examination required by the board.

SECTION 15. IC 25-17.6-5-1, AS AMENDED BY P.L.17-1999, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 1. A license issued under IC 25-17.6-4 **or IC 25-17.6-4.5** expires three (3) years after it is issued, at a time and date designated by the board.

SECTION 16. IC 25-17.6-6.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]:

Chapter 6.5. Use of Title by Geologist in Training

Sec. 1. A person who is licensed as a geologist in training may use "G.I.T.", "GIT", or "Geologist in Training" as a title after the person's name, if these designations are not used in conjunction with the person's file number or preceded by the word "licensed" or any other word that might lead someone to believe that the person is licensed as a professional geologist.

SECTION 17. IC 25-17.6-8-1, AS AMENDED BY P.L.17-1999, SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 1. The board may suspend, refuse to renew the license of, revoke the license of, reprimand, or place on probation a licensed professional geologist **or geologist in training** when the licensed professional geologist **or geologist in training** is found responsible by the board for any of the following:

- (1) Fraud or deceit in obtaining licensure.
- (2) Gross negligence, incompetence, or misconduct in the practice of geology.
- (3) Conviction by a court of law of a felony or a crime involving moral turpitude.
- (4) Violation of a code of ethics adopted by the board.
- (5) The commission of an unlawful act set forth in section 2 of this chapter.

SECTION 18. IC 25-17.6-8-2, AS AMENDED BY P.L.17-1999, SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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JULY 1, 2003]: Sec. 2. A person who does any of the following commits a Class B misdemeanor:

- (1) Falsely representing oneself as a licensed professional geologist in violation of IC 25-17.6-7-3.
- (2) Presenting or attempting to use as the person's own a license or seal of another.
- (3) Giving false or forged evidence to the board or to a member of the board in order to obtain a license.
- (4) Falsely impersonating another geologist.
- (5) Using or attempting to use an expired or a revoked license to practice geology at any time during a period the board has suspended or revoked the license.
- (6) Publicly practicing geology in Indiana or offering to publicly practice geology in Indiana without being licensed under this article in violation of IC 25-17.6-7-3.
- (7) Falsely represents oneself as a licensed geologist in training.**

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